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Jeremy P. Chaney

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AXIOS LAW GROUP, PLLC / REALNETWORKS, INC

1525 FOURTH AVENUE

SUITE 800

SEATTLE, WA 98101

EXAMINER

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/575,403
Filing Date: May 22, 2000
Appellant(s): CHANEY ET AL.

Adam Philipp
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 9/5/2008 appealing from the Office action mailed 11/07/2006.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

5,959,627

DUWAER

9-1999

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claims 79-82, 84-102** are rejected under 35 U.S.C. 102(e) as being anticipated by Duwaer et al. (US 5,959,627 A), hereinafter “**Duwaer**”.

As per claim 79, Duwaer teaches a method for managing metadata of content files using an electronic device comprising:

- “obtaining from a persistent metadata database, metadata for the content files” at Col. 3 lines 40-65;

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- “displaying on a display of the electronic device, a first column having a plurality of rows for track names corresponding to a plurality content files” at Fig. 5;
- “displaying on a display of the electronic device, at least one of: a second column having a plurality of rows for artist names corresponding to the plurality of rows for track names, a third column having a plurality of rows for album names corresponding to the plurality of rows for track names, and a fourth column having a plurality of rows for genre names corresponding to the plurality of rows for track names” at Fig. 5.

As per claim 80, Duwaer teaches the method of claim 79, wherein “said persistent database is a relational database” at Col. 5 lines 23-60 and Fig. 7.

As per claim 81, Duwaer teaches the method of claim 79, wherein “said persistent database is a semi-relational database” at Col. 5 lines 23-60 and Fig. 7.

As per claim 82, Duwaer teaches the method of claim 79, wherein “said persistent database is an object-oriented database” at Col. 5 lines 23-60 and Fig. 7.

As per claim 84, Duwaer teaches the method of claim 79, wherein “said persistent database is a tabular database” at Col. 5 lines 23-60 and Fig. 7.

As per claim 85, Duwaer teaches the method of claim 79, wherein “said persistent database is queryable” at Col. 3 lines 10-25.

As per claim 86, Duwaer teaches the method of claim 79, wherein “said persistent database persists separately from the content files” at Col. 3 lines 40-50.

As per claim 87, Duwaer teaches the method of claim 79, wherein “at least one column of said track names, artist names, album names, and genre names has a blank entry” at Col. 3 lines 10-25 and Fig. 3.

As per claim 88, Duwaer teaches the method of claim 87, wherein “said blank entry is saved as a named entry” at Col. 3 lines 10-25.

As per claim 89, Duwaer teaches the method of claim 79, wherein “said track names correspond to a content file associated with at least one of a genre, artist, and album” at Fig. 5.

As per claim 90, Duwaer teaches the method of claim 89, further comprising: “receiving an indication of a selection of a genre of content files, and displaying of a column having a plurality of rows for track names corresponding to plurality of content files of a genre in response to receiving the indication, the plurality of content files being content files of the selected genre” at Col. 4 lines 10-65 and Figs. 4-5.

As per claim 91, Duwaer teaches the method of claim 89, wherein the method comprises: “receiving a new metadata value for a metafield of a metadata record corresponding to a display track name, and in response to receiving the new metadata value, propagating the new metadata value to the corresponding metafield of each corresponding metadata record for the content files of the selected genre” at Fig. 3.

As per claim 92, Duwaer teaches the method of claim 89, wherein the method further comprises “receiving a selection of one of the displayed track names, and in response to receiving the selection, rendering the content file corresponding to the selected display track name” at Fig. 5.

As per claim 93, Duwaer teaches the method of claim 89, wherein “the display of said second column of a plurality of rows for artist names or said third column of a plurality of row for album names, is simultaneous with the display of said first column having a plurality of rows for track names corresponding to a plurality of content files of a genre” at Fig. 5.

As per claim 94, Duwaer teaches the method of claim 79, further comprising “storing said persistent database on a computer readable medium” at Col. 3 lines 40-50.

As per claim 95, Duwaer teaches the method of claim 79, further comprising: “obtaining an indication from an input device to change at least one meta data value in said persistent database and automatically storing said indicated change in said persistent database” at Fig. 3.

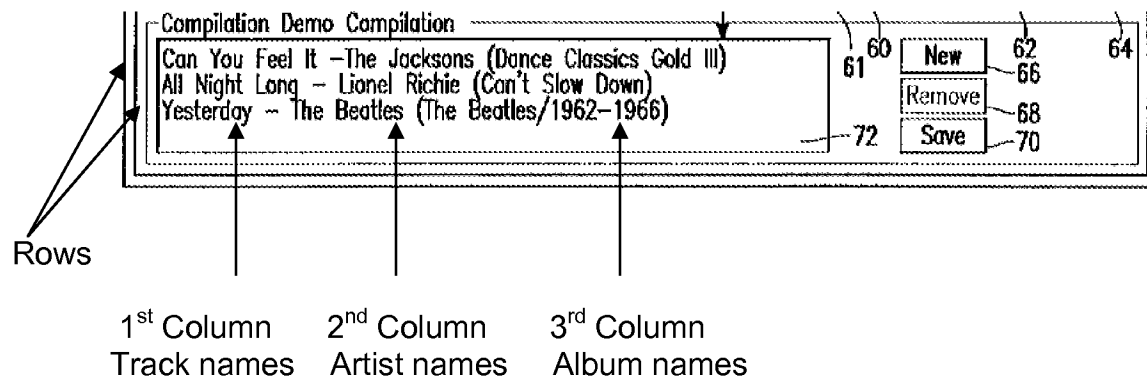
As per claim 96-102 recite similar limitations as in claims 79-95 and therefore are rejected by the same reasons.

(10) Response to Argument

Issue 1: Claims 79-81, 84-87, 89-90, 92-98, 100-102:

Regarding claims 79-81, 84-87, 89-90, 92-98, 100-102, Appellant argued that Duwaer “does not disclose displaying metadata in a columnar display”. On the contrary, Duwaer clearly teaches theses limitations at Fig. 5 reproduced below, with extra labels and arrows added for explanation purpose:

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The examiner agrees with appellant's definition of the term "column", which is "a **vertical arrangement** of figures or other information". However, appellant's argument is based on "**vertical alignment**", which **is not recited in the claims nor included in the definition of "column"**.

Because the phrase "at least one of" recited at line 8 of claim 79, the third and fourth columns are optional. Claim 79 therefore requires at least two columns, the first column having a plurality of rows for track names and a second column having a plurality of rows for artist names". There is no requirement recited in the claims regarding how these two columns are displayed in relation to each other. Duwaer therefore clearly anticipates the claimed limitations. Duwaer arranges vertically a plurality of rows for track names (e.g. "Can You Feel It", "Yesterday") and a plurality of rows for artist names (e.g. "The Jacksons", "The Beatles"), as shown in Fig. 5 above.

Issue 2: Duwaer teaches an object Oriented database recited in claim 82.

Regarding claim 82, appellant argued that Duwaer does not teach “wherein said persistent database is an object-oriented database.” The examiner respectfully disagrees and traverses appellant's argument.

Duwaer teaches the detail implementation of the database at Col. 5 lines 23-60 and Fig. 7, which is clearly an Object Oriented Database, since Duwaer use a plurality of objects to define the structure of the database.

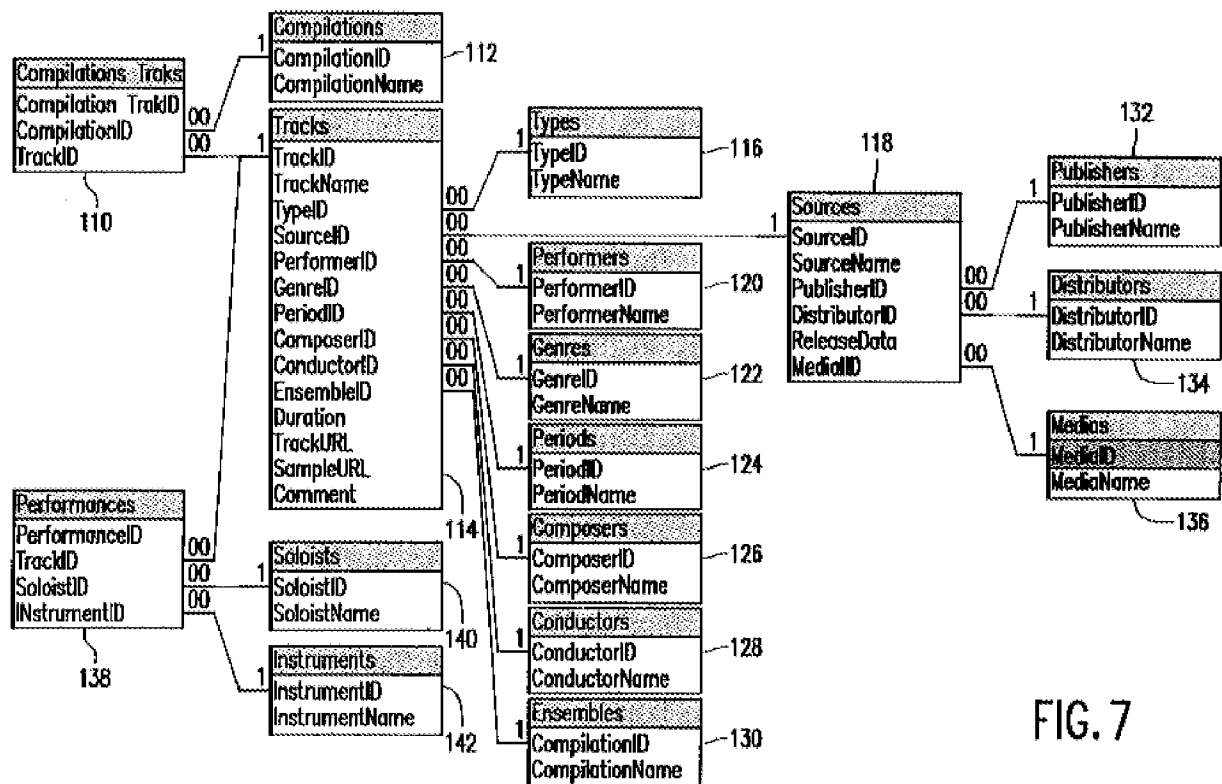


FIG. 7

Adopting Appellant's definition of “object-oriented database”, Duwaer's database structure as shown in Fig. 7 is clearly an object-oriented database because it is “a DBMS” and it is “an object-oriented system” and have all required features of an object oriented system such as “persistence, secondary storage management, concurrency, recovery, ad hoc query facility, complex objects, object identify, encapsulation, types or

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class, inheritance, overriding combined the late binding, extensibility and computational completeness".

Issue 3: Duwaer disclose "saving a blank entry as a named entry" recited in claim 88

Regarding claim 88, appellant argued that Duwaer fails to teach "saving a blank as a named entry". On the contrary, Duwaer teaches at Col. 3 lines 10-25 that "**Other fields may or may not be left empty**". Duwaer's empty fields saved in the database are corresponding to the claimed limitation "saving a blank as a named entry". For example, as shown in Duwaer's Fig. 3, the named entry "Composer" is left empty and is saved as blank.

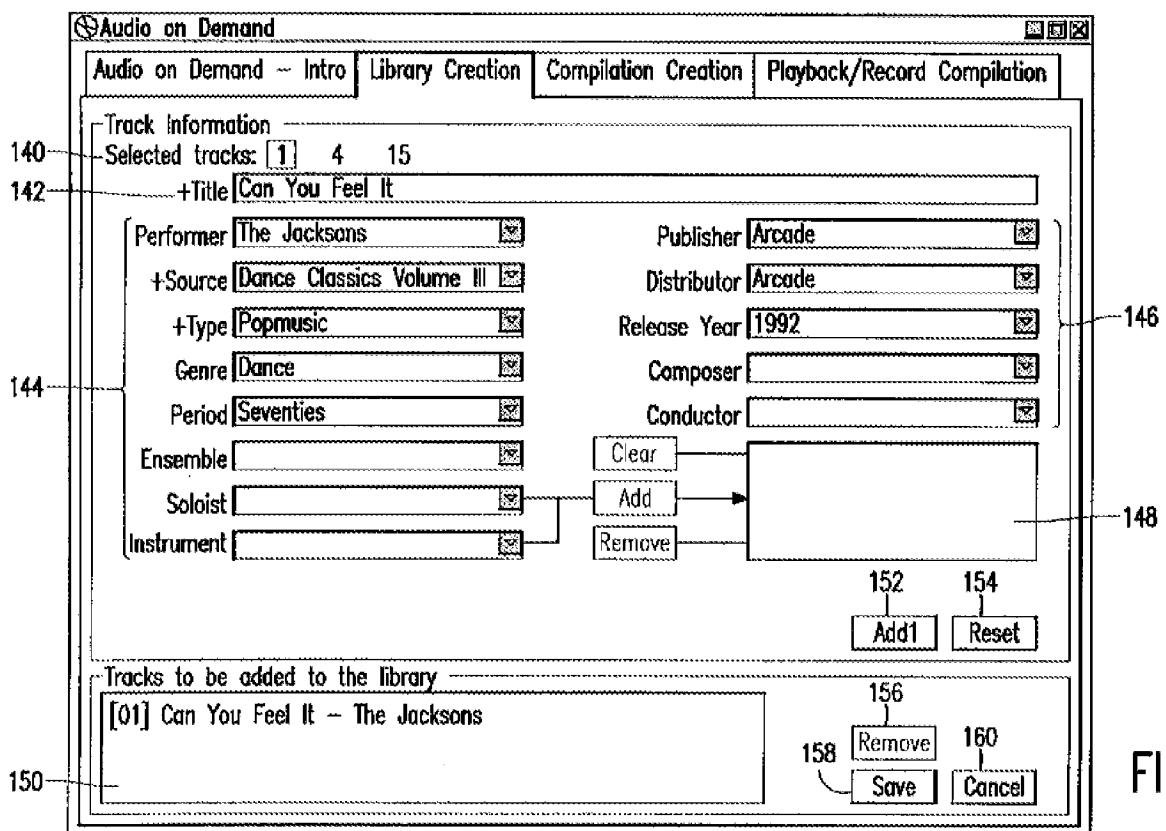


FIG. 3

Appellant's table 4 shows that "Lyrics", "Comments" and "Cover Art" are associated with "<blank>", do not necessary mean that the word "blank" is actually stored, it is just an indication that the data is blank or empty.

Issue 4: Duwaer teaches "propagating a new metadata value" recited in claims 91, 99.

Regarding claim 91, appellant argued that Duwaer fail to teach propagating changes to metadata across rows. On the contrary, Duwaer teaches at Fig. 3 a user interface for adding or modifying metadata in to selected songs, these changes will in turn reflect in the rows displayed in Fig. 5.

Appellant argued that "Duwaer teaches merely that metadata for **one single track** can be edited in the interface of Fig. 3". This is incorrect because as seen in Fig. 3, element 140 above, user is allowed to select different tracts (i.e. tracks 1, 4, 15) to edit metadata and new or changed metadata will be propagated to each corresponding metafield of each corresponding metadata record or track as claimed.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

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Respectfully submitted,

/Khanh B. Pham/

Primary Examiner

Art Unit 2166

Conferees:

/Hosain T Alam/

Supervisory Patent Examiner, Art Unit 2166

/Tony Mahmoudi/

Supervisory Patent Examiner, Art Unit 2169